

NO 15-56308

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Darryl Dunsmore

Petitioner

Case 09-50026 (REG)

The Southern District
Bankruptcy Court of
New York
Respondants

People of The State
of California
Real party in interest

The Honorable
Robert T. Gerber

writ of Mandate
ordering The stay
lifted and Constitutionally
Mandated Discovery Produced

11/16/15

Darryl Dunsmore
AD6237 C3A-150
Box 32200
Stockton Ca 95213

1 of 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Darryl Dunsmore
Petitioner

v

Case 09-50026 (Reg)

The Southern District
Bankruptcy court of
New York
Respondents

People of The State
of California
Real party in interest

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11/11/15

D-D-
Darryl Dunsmore
AD6237 C34 180
Box 32200
Stockton CA 95211

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Darryl Dunsmore
Petitioner

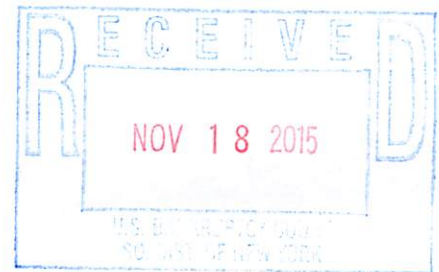
v

The Southern District
Bankruptcy Court of
New York
Respondents

People of The state
of California

Real party in interest

Case# 09-50026 (REG)



Petition with the Memorandum
of Points and Authorities

To The Honorable presiding Justice and To The
Honorable associate Justices of The Court of Appeals

Summary

1. Petitioner has been diligent in attempting to
Procure Constitutionally Mandated Discovery From

sources That have significant sway, Money and Power and are using The Courts to Conceal Said Discovery in Violation of penal code 133, 134 135 and petitioner Constitutional Due process rights

2. Petitioner filed a State tort on 7/15/15 in an attempt to force Defendants to Produce said Constitutionally Mandated Discovery Case# FCS045638 Dunsmore V GMC et al in The Solano Superior Court

3. Defendants promptly involved The Southern District Court (Bankruptcy) of New York To order a stay of petitioners/Plaintiffs State tort FCS045638 Contrary To The Constitution of The United States and in violation of Petitioners Due process rights

4. The Defendants have used Their influence and fraud of The Court to Deny petitioner Constitutionally Mandated Discovery of which they were informed of and Contrary to their assertions That They have no involvement in The Misconduct of what They deem old GMC Are acting in a Manner to protect and Conceal said evidence Their of in Violation

5. Petitioner is particularly aggrieved by Respondents Court actions which will result in irreparable damage to petitioner in That This Appeal of writ of Habeas No 15-56308 DC# 001193 GPC PCU will once again be dismissed for failure to produce factual supporting Documentation of Petitioners claims of Actual innocence Behind The Brady Discovery That in fact the alleged incident occurred Not because of willfull intent on petitioners Part but because of the Malfunction of Mechanical Devices Produced by The Defendants GMC The Manufactures of The Alleged weapon a (Gmc Savana Van 2001 SEE)

6. Numerous petitions have been filed in an attempt to procure said Discovery but it appears unless This court grants Relief petitioner will Not be afforded Due process and The Constitutionally Mandated Discovery

7. Petitioner contends That The Respondent Court has acted in excess of its Jurisdiction because The state tort attacks The present conduct of The Defendants New Gmc after

09-50026-mg Doc 13550 Filed 11/18/15 Entered 11/19/15 16:44:35 Main Document Pg 6 of 47
The 363 Sale of July 2009 in which Defendants have and continue to conceal facts that could have exonerated petitioner in his criminal proceeding and can exonerate him now of the alleged crimes

8. For these Reasons The Southern District Bankruptcy Court of New York should be order to lift the stay so that constitutionally Mandated Discovery can occur and petitioners Due process rights upheld US v Bagley (1985) 473 US 667 676 87 1 Ed 2d 481 490 105 Sct 3375 Brady v Maryland (1963) 373 US 83 87 10 1 Ed 2d 215 83 Sct 1194 Penal Code 1054(e)

Prayer

wherefore petitioner prays That The respondent Court be order to lift the stay or other necessary relief so that constitutionally Mandated Discovery can occur

I Declare under penalty of perjury The foregoing is true under The Laws of The State of California

11/18/15

BAD
Daryl Dinsman
AD6277 C3A-150
Box 32200
Stockton CA 95217

4084

CM-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BOWMAN AND BROOKE LLP Anthony S. Thomas (SBN: 149284) David C. Shay (SBN: 241702) 970 West 190th Street Torrance, CA 90502 TELEPHONE NO.: 310.768.3068 FAX NO. (Optional): 310.719.1019 ATTORNEY FOR (Name): Defendant General Motors LLC		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Solano STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Fairfield 94533 BRANCH NAME: Hall of Justice		
PLAINTIFF/PETITIONER: Darryl Dunsmore DEFENDANT/RESPONDENT: General Motors LLC		
NOTICE OF STAY OF PROCEEDINGS		CASE NUMBER: FCS045638
		JUDGE: Harry S. Kinnicutt DEPT.: "3"

To the court and to all parties:

1. Declarant (name): David C. Shay

- a. ☐ is ☐ the party ☒ the attorney for the party who requested or caused the stay.
- b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.

2. This case is stayed as follows:

- a. ☐ With regard to all parties.
- b. ☒ With regard to the following parties (specify by name and party designation): Any purported claim against General Motors, LLC

3. Reason for the stay:

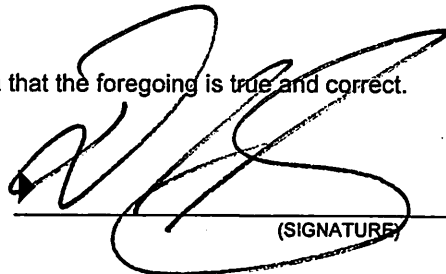
- a. ☒ Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
- b. ☐ Order of a federal court or of a higher California court. (Attach a copy of the court order.)
- c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
- d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
- e. ☐ Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 23, 2015

David C. Shay

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE)

Endorsed Order:

The Sale Order plainly covers Mr. Dunsmore's claims, and he has shown no basis for any exception. The relief requested by Mr. Dunsmore is denied. The stay imposed by the injunctive provisions of the Sale Order will remain in place with respect to Mr. Dunsmore's lawsuit in California state court until further action by this Court. This Endorsed Order is without prejudice to the rights of any party to bring any additional relevant facts to the Court's attention or to any future rulings by this Court.

Dated: New York, New York
October 19, 2015

s/Robert E. Gerber
United States Bankruptcy Judge

AD6237 C3A-132

P O Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
IN RE

General Motor LLC

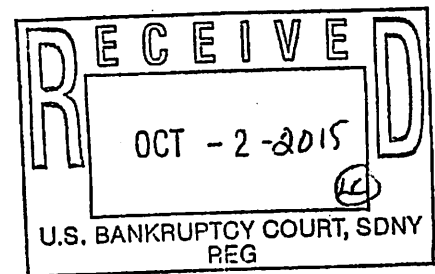
Ignition switch litigation

Darryl Dunsen
Plaintiff

v

General Motors et al
Defendants

Case 09-50026 (REG)



Ex Parte Motion
for Declaratory Relief

The New GM Attests and Declares it
is not an accessory to any misconduct or
crime committed by the old GM Defendants

Not by and ordered The Defendants to
cooperate according to law with all
Discovery requests by plaintiff to New
Defendants (New GM) Per Penal Code 135
of California

112 (103 Sct 1660 75 L Ed 2d 675 S. Ct
v Burns (1976) 427 US 347 373 (96 Sct
2673 49 L Ed 2d 542 The Deprivation of
The Constitutional Right will cause
irreparable harm by continued suffering for
a wrongful conviction of some one actually
innocent with continued incarceration

I declare under penalty of perjury the foregoing
is true

9/22/15 DJD-e
2 of 2

Darryl Dunsware
AD6237 C3A-132
PO Box 32000
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
IN RE

General Motors LLC

Case 09-50026 (REG)

IGNITION Switch Litigation

Darryl Dunsware
Plaintiff

v

General Motors et al
Defendants

Notice of Pending
Related Case

Pending Case /
Related Case

001123 GPC PCI
9TH Cir Court of Appeals
writ of Habeas

9/22/15 D-1D-e

1081

806237 C3A-132
PO Box 32200
Stockton Ca 95213

UNITED STATES ~~BANKRUPTCY~~ COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC
Ignition Switch Litigation

Case # 09-50026 REG

Darryl Dunsore
Plaintiff

v

General Motors et al
Defendants

objection to
scheduling order

Introduction

This lawsuit pertains to Plaintiff's wrongful conviction in which plaintiff seeks Constitutional Mandated Discovery from Defendants as to which he has not been able to obtain concerning actual innocence claims in the Southern District of California Case 004193
GPC-PCC

~~The Defendants have forced plaintiff to~~
 file a state tort Case 045638 Dunsware
v GME (obel) Viking et al in Solano County
 COURT House State of California in order
 To secure Constitutionally Mandated Discovery
 To support his Claims of actual innocence
 in the 9th cir in order to obtain a COA
 and Brief the issues

Plaintiff objects to The schedule order
 Because he is a Pro se litigant, incarcerated
 with Physical Disabilities requiring assistance
 to dress transfer both it being extremely
 Difficult for plaintiff to timely pursue
 this litigation Exhibit A

Any argument concerning The late filing
 of this objection is mute according to
 Prison Mail box and That plaintiff did not
 timely receive The Demand Notice until
 9/18/15 Due to transfer to a medical
 facility in California California Healthcare
 facility in Stockton Plaintiff should thus
 Not be bound to The terms of The scheduling
 order

Issues That should
be Presented To The
Bankruptcy Court

This plaintiff's complaint is unique because
The plaintiff is seeking exculpatory Discovery
which is constitutionally mandated and interference
in the pursuit of said evidence would be
a manifest injustice of keeping an otherwise
Actually innocent individual incarcerated for
a longer period

That has been directly caused by The
misconduct of General Motors Corp That
fraudulently sold Millions of Defective parts
endangering the lives of customers and The
General public and when The Company was
finally rendered defunct by These
fraudulent actions That bled The Company
of all financial stability except its
Brand name conspired with The New
GM N/A Motors Liquidation Company to
Rid its self of Massive liabilities Throgh
Clever Manipulation of Rules of Law
Contrary to The rules of Prof Conduct 3-210
The Attornies knowingly assisted each other
and solicited The violation of California
Rules of professional Conduct or State bar
Act Bus & PC §§6000-6328, Cal Rules. of Prof
Cond. 1-120 by concealing suppressing Destroying
and removing evidence of Their fraudulent

Public and the plaintiff unknowingly solicited the Court to Assist in these illegal acts through clever manipulation of the bankruptcy laws of liquidation in violation of The Cal Penal Code 11134-135 Price v State bar (1982) 30 C3d 537-139 179 CR 914

which the Attornys continue to ignore the Rule of Law Denying Plaintiff Constitutionally Mandated discovery causing this plaintiff to suffer a wrongful conviction and a lengthy stay of incarceration while plaintiff attempts to convince the Court of his actual innocence and the merits of his claims vaughting around the New York harbor and world while plaintiffs life has been completely destroyed by the Defendants fraudulent acts and clever unethical manipulation of the rule of law Bus & PC 6068(d) Cal Rules of Prof Cond 5-200 (B) Di Sebastino v State bar (1980) 27 C3d 159 162 CR 458

Despite the known plight of plaintiff through correspondence and litigation the Defendants continue to thumb their nose at the law and are indifferent to the harm they are causing plaintiff by

willful Concealment, Destruction and alteration of of evidence in the form of Documents of records that support petitioners claims of innocence and the malfunction at The Vehicle which was erroneously Declared a weapon due to the actions of The Defendants both new and old GM OWNERS as The simple sale of The Corporation Did not Void The Defendants responsibilities to reveal evidence of crimes committed. They are willing Co Conspirators, once They decided to destroy, Alter and conceal evidence They whunted in The sale of GMC Corp in The form of Documents which revealed The Massive fraud old GM committed.

The Defendants New GM can not argue They had no knowledge of alleged defective parts or that Documents may not have been exculpatory evidence as supported in Exhibit B GM Test drivers were aware of The ignition problems in 2006 Two Years prior to The sale The NHTSA crash report made mention of The ignition problem.

The Defendants and Attornies could have reasonably argued against liabilities if They had chosen to reveal and disclose The nature of The fraud and defective

To The Courts, Congress and other Authorities

Chapter 11 does not relieve The New GM owners of liabilities if they fail in their ethical and legal duties to disclose acts of fraud and other criminal conduct which they were aware of before the time of sale at the time of sale and after the sale

Nor of its responsibility to Release to Plaintiff the exculpatory evidence Defendants have knowledge of That would release Plaintiff of his wrongful Conviction and support his actual innocence claims That The Detective malfunctioning vehicle not petitioner was responsible for The incident hold petitioner incarcerated in Case 001193 GPC PC Southern District of California

For these reasons The schedule should be Modified for This plaintiff as This lodges own opinion in Exhibit B P 14 cite 41 stating The Denial of relief would be Manifestly unconscionable what could be More so Than The continued incarceration of an actually innocent individual wrongly convicted because of The acts of Defendants to conceal exculpatory evidence The would relieve plaintiff of The wrongful conviction

I Declare under penalty of perjury the foregoing is True
9/22/15 D4D- 6886

~~Darryl Dunsen~~
AD6237 C3A-132

PO Box 32200
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC
Ignition switch litigation

Darryl Dunsen
Plaintiff

v

General Motor et al
Defendants

Case 09-50026 (REG)

Memorandum of Points
and Authorities in
Support of objection
to scheduling order

as supported by exhibit A plaintiff is
severely disabled and requires daily assistance
Physical incapacitation is good cause for ext and
relief from the scheduling order People v Crovetti
(1966) 65 C2d 199 53 CR 284

accordingly plaintiff's motion to set aside according
to prison mail box rule Horton v Lark 487
US 266 273-76 108 Sct 2379 (1988)

Liability

under California law once New GM acquired
The assets and Documents of Misconduct of Old
GM They forfeit Their liability protection by
Becoming Co Conspirators According Penal Code
135 To Destroy and Conceal Documentary
evidence as The New GM Defendants in this
case and were Accessories according to penal
code 32 help The alleged Principal of The
Crimes old GM as defined in Penal code
31 to avoid trial and Conviction of felonies
committed by old GM

New GM Actions were an Accessory is
Defined by penal Code 32 and forfeited
liability protection The New defendants
New GM Continue to Violate California law
of penal Code 135 by Concealing and refusing
Destroying evidence of plaintiff's innocence
in plaintiff's criminal wrongful Conviction
Case 001193 - GPC - PCI If Defendants are not
accessories to The Crimes of old GM
Then They Should immediately release all
Exculpatory evidence and fulfill promptly
all plaintiff Discovery requests

Speak for themselves and That of Their legal representatives who believe They can Deny Rebuttal his right to constitutionally Mandated Discovery and claim They are exempt from old GM product liabilities while bracking state local and constitutional law to Conceal Exculpatory Evidence or destroy it Thereby revealing themselves as accessories to the principles crimes Old GM Thereby Nullifying Liability protection by Bankruptcy

For these reason The briefing schedule should be Modified for plaintiff.

I Declare under penalty of perjury the foregoing is true

1/22/15 D-JD -

3 of 3

Darryl Dunsane
AD6237 CSA-132
PO Box 32200
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC
Ignition switch litigation

Darryl Dunsane
Plaintiff

v

General Motors et al
Defendants

Case 09-50026 (REG)

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Support of objection
to scheduling order

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California
Penal Code

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Memorandum - - - - - 3 pages

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Exhibit B

General info on GM History - - - 6 pages

9/22/15 DAD

2012

Darryl Dusenberry
A06237 C3A 132
PO Box 32200
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
IN RE

General Motors LLC
Ignition switch litigation

Darryl Dusenberry
Plaintiff

v

General Motors et al
Defendants

Case 09-50026 (REG)

Lodgements in Support
of objection to
scheduling order

Exhibit A

"Medical order for assistance - - - 6 pages

Exhibit B

"General info on GM History - - - 6 pages

I Declare these lodgements to be true and
accurate

9/22/15 DAD
1 of 1

DRAFT**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

RAP Meeting Date: 9/02/2015

Date IAC Received 1824: 8/31/2015

1824 Log Number: CHCF-C-15-02227

Inmate's Name: DUNSMORE, DARRYL

CDCR #: AD6237

Housing: FAC C3A-445 132

RAP Staff Present: ADA Coordinator J.A. Zamora, Custody Appeals Coordinator A. Infante, Doctor G. Williams, Health Care Appeals Representative, L. Donnelly, Registered Nurse M. Lowe

Inmate Interviewed: ☐ No ☒ Yes DPM, CCCMS

Disability Access or Discrimination Issue: SUBJECT STATES THAT HE IS HAVING DIFFICULTY IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS DUE TO HIS MEDICAL CONDITION.

Interim Accommodations Needs Reviewed:☒ Interim Accommodation provided (List accommodation and date provided):

ON 8/31/15, MEDICAL STAFF TO ASSIST SUBJECT ON AS NEEDED BASIS FOR TRANSFERRING/DRESSING/OBTAINING ITEMS.

Summary of Inmate's 1824 Request: THE SUBJECT IS REQUESTING ASSISTANCE IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS, ASSISTANCE WITH PLACING SOCKS ON AND A THREE TIER SHELF.

☒ RAP is able to render a final decision.**APPROVE WITH MODIFICATION**

ON 9/02/15, THE REASONABLE ACCOMMODATION PANEL (RAP) HAS REVIEWED YOUR REQUEST. YOU HAVE BEEN APPROVED FOR A WHEELCHAIR ACCESSIBLE LOCKER.

ON 8/31/15, THE CHCF APPEALS COORDINATOR INTERVIEWED YOU, IN WHICH YOU REQUESTED ASSISTANCE WITH PULLOVER SHIRTS, REACHING DOWN TO PLACE SOCKS AND SHOES ON AND GETTING ITEMS FROM THE FLOOR/SHELF. YOU FURTHER STATED WHEN YOU WARM UP, YOU GET BETTER MOVEMENT BUT IN THE MORNING AND AT NIGHT IT BECOMES MORE DIFFICULT TO MOVE. YOU STATED THAT THE OFFICERS DO ASSIST YOU AND THAT YOU ARE ABLE TO ACCESS PROGRAMS AND SERVICES WITHOUT CONCERN.

ON 8/31/15, THE CHCF APPEALS COORDINATOR INTERVIEWED CNA MOFOR. MOFOR STATED SHE ASSISTS YOU ON AN AS NEEDED BASIS. SHE HAS OBSERVED YOU MOVE IN OTHER ACTIVITIES SUCH AS FEEDING YOURSELF. SHE FURTHER STATED THAT SHE WILL INFORM OTHER STAFF TO ASSIST YOU IN THE INTERIM ON AN AS NEEDED BASIS.

Additional information/instruction: THE SUBJECT IS ABLE TO SAFELY ACCESS ALL PROGRAMS, SERVICES AND ACTIVITIES.

If you disagree with a health care decision made prior to or during the CDCR 1824 process, complete a CDCR 602-HC. If you disagree with any other RAP decision, complete a CDCR 602. Be sure to attach this document along with your CDCR 1824.

J.A. Zamora
ADA Coordinator
Signature

Date sent to inmate: 9/2/2015

Staff processing instructions: Does delivery of response meet criteria to establish effective communication? No

☒ Accommodation Order required:☐ Request alleges non-compliance of the Armstrong or Clark Remedial Plans. Allegation logged on Accountability Log.

Distribution: Original - Inmate

Copy - 1824 File

Copy - Miscellaneous Section of C-File

Copy - Medical/Mental Health Staff

State of California

Department of Corrections and Rehabilitation

**REASONABLE ACCOMMODATION
REQUEST**

CDCR 1824 (rev. 7/2014)

INSTITUTION (staff use only):

EC?

Y/N

LOG NUMBER (staff use only):

CHCF- C-15-62227

*** TALK TO STAFF IF YOU HAVE AN EMERGENCY ***

Date Received by Staff (staff use only):

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print) Dunsmore, D.	CDCR NUMBER AD 6237	ASSIGNMENT	HOUSING C3A-115
---------------------------------------	------------------------	------------	--------------------

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM:

WHY CAN'T YOU DO IT:

WHAT DO YOU NEED:

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

- ☐ Difficulty walking or getting around ☐ Difficulty seeing ☐ Difficulty hearing ☐ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY?

Yes ☐No ☐Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): _____

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

INMATE'S SIGNATURE

DATE SIGNED

Assistance completing this form provided by: _____

Last Name

First Name

Signature

☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues.

Person making determination

Title

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**REASONABLE MODIFICATION OR
ACCOMMODATION REQUEST**

CDCR 1824 (Rev. 10/06)

INSTITUTION/PAROLE REGION: CHCF	LOG NUMBER: CHCF-C- 15-02227	CATEGORY: 18. ADA
-------------------------------------------	--------------------------------------------	-----------------------------

NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES

In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.

INMATE/PAROLEE'S NAME(PRINT) Daryl Dunsmore	CDC NUMBER AD6237	ASSIGNMENT	HOURS/WATCH	HOUSING C3A-15
-------------------------------------------------------	-----------------------------	------------	-------------	--------------------------

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/Institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you. If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

MODIFICATION OR ACCOMMODATION REQUESTED

DESCRIPTION OF DISABILITY:

Ankylosing spondylitis Dysphagia

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

Medical Records, outcome**Date**

DESCRIBE THE PROBLEM:

I have a Rap Decision denying My Previous Requests for Alterations Stating That I will be provided Assistance when Requested Staff are refusing to Assist with dressing I'm unable to fully dress shirts sock due to loss of mobility in shoulders back hips knees I am unable to use Locker Property all over floor etc get out bed.

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

Need Alternate Locker and assistance provided To occasionally transfer and Dress and undress as Rap previously Decided or Alteration of clothes with button and straps for socks etc

INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

8/30/15

DRAFT**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

RAP Meeting Date: 9/09/2015

Date IAC Received 1824: 9/4/2015

1824 Log Number: CHCF-C-15-02280

Inmate's Name: DUNSMORE, DARRYL

CDCR #: AD6237

Housing: FAC C3A-115 132

RAP Staff Present: ADA Coordinator J.A. Zamora, Custody Appeals Coordinator A. Infante, Doctor G. Williams, Health Care Appeals Representative, , K. Martin, D. Nelson, Registered Nurse M. Lowe

Inmate Interviewed: ☐ No ☒ Yes DPM, CCCMS

Disability Access or Discrimination Issue: SUBJECT STATES THAT HE IS HAVING DIFFICULTY IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS DUE TO HIS MEDICAL CONDITION.

Interim Accommodations Needs Reviewed:☒ Interim Accommodation provided (List accommodation and date provided):

ON 8/31/15, MEDICAL STAFF TO ASSIST SUBJECT ON AS NEEDED BASIS FOR TRANSFERRING/DRESSING/OBTAINING ITEMS.

Summary of Inmate's 1824 Request: THE SUBJECT IS REQUESTING ASSISTANCE IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS, ASSISTANCE WITH PLACING SOCKS ON AND A THREE TIER SHELF.

☒ RAP is able to render a final decision.**DISAPPROVED**

ON 9/09/15, THE REASONABLE ACCOMODATION PANEL (RAP) HAS REVIEWED YOUR REQUEST.

(DUPLICATE ISSUE REFER TO CHCF #CHCF-C-15-02227)

Additional information/instruction: THE SUBJECT IS ABLE TO SAFELY ACCESS ALL PROGRAMS, SERVICES AND ACTIVITIES.

If you disagree with a health care decision made prior to or during the CDCR 1824 process, complete a CDCR 602-HC. If you disagree with any other RAP decision, complete a CDCR 602. Be sure to attach this document along with your CDCR 1824.

J.A. Zamora

ADA Coordinator

Signature

Date sent to inmate: 9/9/2015

Staff processing instructions: Does delivery of response meet criteria to establish effective communication? No

☐

Accommodation Order required:

☐

Request alleges non-compliance of the Armstrong or Clark Remedial Plans. Allegation logged on Accountability Log.

Distribution: Original - Inmate

Copy - 1824 File

Copy - Miscellaneous Section of C-File

Copy - Medical/Mental Health Staff

State of California

**REASONABLE ACCOMMODATION
REQUEST**

CDCR 1824 (rev: 7/2014)

Department of Corrections and Rehabilitation

INSTITUTION (staff use only):

EO?

LOG NUMBER (staff use only):

Y/N

CHCF-C-15-02280

*** TALK TO STAFF IF YOU HAVE AN EMERGENCY ***

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

Date Received by Staff (staff use only):

INMATE'S NAME (Print)

Dunsmore, D.

CDCR NUMBER

A06237

ASSIGNMENT

HOUSING

C3 A-115

INSTRUCTIONS

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM:

WHY CAN'T YOU DO IT:

WHAT DO YOU NEED:

(use the back of this form if you need more space)

Which of the following best describes your disability that caused you to file this request:

- ☐ Difficulty walking or getting around ☐ Difficulty seeing ☐ Difficulty hearing ☐ Difficulty talking ☐ On kidney dialysis
☐ Difficulty using arms/hands ☐ Difficulty learning ☐ Difficulty thinking or understanding ☐ Mental impairment
☐ Other Disability (briefly describe): _____

DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY?

Yes ☐ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): _____

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

INMATE'S SIGNATURE

DATE SIGNED

Assistance completing this form provided by: _____

Last Name

First Name

Signature

- ☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues.

Person making determination

Title

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**REASONABLE MODIFICATION OR
ACCOMMODATION REQUEST**

CDCR 1824 (Rev. 10/06)

INSTITUTION/PAROLE REGION:	LOG NUMBER:	CATEGORY:
CHCF	C-15-02280	18. ADA

NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES

In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.

INMATE/PAROLEE'S NAME(PRINT)	CDC NUMBER	ASSIGNMENT	HOURS/WATCH	HOUSING
Dunsmuir	AD6237			C3A-115

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the service, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/Institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the Institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you. If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

MODIFICATION OR ACCOMMODATION REQUESTED

DESCRIPTION OF DISABILITY:

Ankylosing Spondylitis

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

Medical Records

DESCRIBE THE PROBLEM:

I was told by Appeal Coordinator I would receive interim accommodations of 3 tier locker Assistance but staff were not informed or provided Record of said action

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

inform Custody Medical of interim accommodation provide Record so I receive interim accommodation

INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

9/3/15

The massive ongoing recall of General Motors vehicles with faulty ignition switches (and the dozen years the company spent *not* issuing a recall) has made headlines, launched lawsuits, angered legislators, but many consumers who don't own a recalled car have shrugged and said, "Glad I don't drive one of them."

One small defect in a part that controls a car's ignition switch: that's what's at the root of a massive car recall linked to at least thirteen deaths. The cars all came from General Motors brands sold for most of a decade — and as we now know, someone, somewhere knew about the fatal potential of that defect for as long as it existed. The ignition switch problem affects everyone who drives a GM car. But the way that the defect was allowed to remain in the production line for so long affects nearly everyone who drives or shares roads with cars — whether you've ever set foot in a GM vehicle or not.

The GM ignition switch recall started in February with an announcement about 778,000 compact cars. Over the months since then, the recall list has expanded to include about 2.6 million Saturn Ion (2003-2007), Chevrolet Cobalt (2005-2010), Chevrolet HHR (2006-2011), Pontiac G5 (2007-2010), Pontiac Solstice (2006-2010), and Saturn Sky (2007-2010) vehicles. (GM has also recalled another three million cars this year for other, unrelated issues.)

MORE THAN JUST A RECALL

The recall, though, isn't just a recall. It's led to an investigation that has shown that GM and the National Highway Traffic Safety Administration (NHTSA) were, between them, peripherally aware of the defect for over ten years. Let's take a quick, summary review of key moments in the timeline of events:

- .2001-2002: The first report of a switch problem shows up in pre-production notes for the 2002 Saturn Ion.
- .2005: GM realizes the Chevy Cobalt has a problem with the ignition switch and opens repeated engineering inquiries, but takes no action.
- .2006: GM test drivers become aware of the ignition problem. GM makes some repairs, but mixes older, defective part and newer, improved part under same item number, causing years' worth of confusion.

.2007: A NHTSA crash report makes mention of the ignition switch turning itself off. NHTSA proposes opening an investigation, but decides not to.

.2010: After more accidents and deaths, NHTSA once again considers, but then decides against, opening a formal investigation.

.2012-2013: GM internal testing finds that no, really, these ignition switches are broken.

.2014: GM finally issues recalls due to the faulty part, totaling roughly 2.6 million vehicles.

At least 13 people were killed (and possibly more) due to this particular defect in that 13-year span, and dozens of other drivers complained about it. But between the start of the problem in 2001 and the enormous and very public recalls in 2014, a few things changed at GM. And by "a few things," we mean "everything."

GENERAL MOTORS IS DEAD. LONG LIVE GENERAL MOTORS.

The early years of the 21st century were not among GM's best. It's easy to see why a GM at the time was so desperately concerned with cutting costs wherever possible: after a high point in 1999, their annual sales numbers began to drop slowly but steadily from 2000 onward. They posted significant losses in 2005, 2006, and 2007, and so were already off to a rough start in 2008.

Then came, well, 2008 — a now-infamous year of domestic and international economic crisis. In the space of less than a year, everything tanked: the housing market collapsed, giant megabanks began flailing wildly, energy prices jumped, and the automotive industry found itself in dire straits.

The combination of a less-than-great half-decade and an international near-collapse of the industry was a one-two punch that GM couldn't withstand. In Nov. 2008 the company announced that without drastic action, they'd be out of cash and out of business by the middle of 2009.

Ford, Chrysler, and GM all testified before Congress in Dec. 2008 to the effect that the U.S. car industry, that most American of industries, was going to collapse in on itself without an infusion of federal bailout cash. Congress declined to hand over money, but GM did get a "bridge loan" from the Bush administration to keep it afloat while a longer-term solution

could be worked out.

Between Dec. 2008 and March 2009, things failed in any way to get better for GM as they kept moving through a back-and-forth of proposed business plans to and with the federal government. On March 30, 2009, the Obama administration announced that the government would not be handing GM a mountain of cash, but that a detailed restructuring plan including Chapter 11 bankruptcy had been worked out in order to save the company. GM officially filed for Chapter 11 reorganization in a New York court on June 1, 2009.

Under the terms of that Chapter 11 filing, a new corporate entity called NGMCO Inc. — the “new” GM corporation — purchased all of GM’s “continued operational assets.” As part of the terms of sale, NGMCO, Inc., changed its name to “General Motors” and kept all of GM’s brands, logos, and trademarks. In one fell swoop, GM ceased to be GM, the troubled corporation with a pile of liabilities, and became GM, the newer, leaner corporation that conveniently left all its liabilities sitting in a trash heap near the door when it walked out.

As for that mess next to the door, the “Old GM” still had to clean it up. Having let the New GM walk off with its name and branding, the remnants of Old GM became the Motors Liquidation Company. That company has been working its way through the bankruptcy, liability, and debtor process ever since.

The New GM, about 60% owned by the U.S. Department of the Treasury, promptly shed jobs, dealerships, manufacturing facilities, and car brands. (Remember Pontiac, Saturn, Hummer, and Saab?) And most critically, they also shed liability for anything they did back when they were still the original GM.

LEAVING BEHIND THE BLAME

Several states’ attorneys general, perhaps having a collective moment of clairvoyance, filed an objection to the liability exception part of GM’s bankruptcy agreement, saying that potential later accident victims could lose “key legal rights” if it went through. (The Wall Street Journal ran a detailed explainer of the relevant legal aspects back in 2009.) Under the pressure, GM eventually agreed to somewhat expand the scope of its liability to accident victims.

The gist of the change meant that, “[C]onsumers driving old GM cars who

get in accidents during GM's several weeks in bankruptcy court, or after the new GM emerges, will be able to sue new GM."

At the time, then-Connecticut Attorney General Richard Blumenthal, one of the attorneys general who filed the objection, said:

"This agreement captures a very significant group of claims that wouldn't have been covered and is a very significant victory for consumer advocates. It may seem symbolic, but it will be very real and important to people who suffered injuries during this period of time, and it sets a highly significant precedent."

That GM product liability pact is now front and center in the wake of the recall. GM is trying to get lawsuits against it held on the grounds of the restructuring, claiming liability protection.

Former Connecticut AG Blumenthal is now United States Senator Blumenthal, and he's no less concerned about the new GM's liabilities for the old GM's actions than he was in 2009. In late March, he pressed the Justice Department to make sure that GM stays liable for GM's actions. At the time, he told Consumerist, "There is a very powerful legal and moral responsibility on the part of the federal government to intervene here. They enabled GM to emerge from reorganization with very extensive protections from legal responsibility for the death, injuries, and damage their defective vehicles caused."

NOW WHAT?

Well, that's really the billion-dollar question.

It will take months, if not years, for the Justice Department to carry out its criminal investigation and determine if charges are warranted. Getting the various civil suits sorted out will probably take even longer still. GM, in some way, will need to compensate the car owners, accident victims, and surviving families of those who were killed due to this error. That complicated question of how much legal liability GM actually bears for their own error and cover-up will be a key factor in every proceeding.

But the most pressing question for the future isn't about GM at all. Although this recall is massive, and GM's particular tie to American taxpayers and the federal government is at play, this defect and this question of liability aren't the central issues we're facing.

Instead, the real problem that the GM disaster has brought to light is that

nearly 250 million registered cars on the road in the United States... and 51 ODI employees to make sure that we all stay safe around them. Of those 51 employees a little over half are investigators, Bloomberg reports. It makes for a ratio of about 8.6 million cars on the road for every defect investigator NHTSA has. The agency also receives more than 40,000 consumer complaints per year — and of course, not every consumer who has reason to make a safety complaint ever bothers to do so. NHTSA's 2015 budget for investigating defects is about \$10.6 million, and it's been in that \$10 million ballpark for years.

With those odds, it starts to feel surprising that NHTSA actually catches as many problems as it does.

28 investigators can only capture so much data first-hand. In order to act, NHTSA relies on data from the car companies themselves. When the companies take their own sweet time providing it, as GM has been doing, the safety review process hits a bottleneck... and just stops going anywhere at all.

So where do we sit today?

Consumers are aware of the problems, but the defective GM cars are still on the road. GM is paying meager fines of \$7000 per day (from their 2013 revenue of \$3.8 billion) for each day they miss their deadline for providing data to NHTSA. And thirteen people who were driving or riding in cars that had one small, faulty part in them are still dead.

Whatever this investigation uncovers about this particular defect, this tragic incident spotlights the fact that there are systemic problems with carmakers for whom lives are but data points on a cost/profit sheet and with regulators who ignore their own investigators' reports. Until those underlying issues are remedied, it's only a matter of time until another vehicle with a deadly defect is not only allowed to hit the road, but stay there for far too long.

~~Darryl Dunsmore~~

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Filed 10/19/15

Entered 10/19/15 09:54:46

Main Document

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PO Box 32200

Stockton CA 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC

IGNITION SWITCH Litigation

Darryl Dunsmore
Plaintiff

General Motors et al
Defendants

Case 09-50026 (REG)

Table of Citations
and Authorities in
support of objection
to any motion to strike
stay Dismissal or any
enforcement of injunction
upon This plaintiff

People v Loe 1970 3 CA3d 514 526 83 CR
715 - - - - - 4

People v Meredith (1989) 29 C3d 682 690

175 CR 612 - - - - - 4

Imbler v Pachtman 1976 424 US

409 n25 47 L Ed 2d 128 141 96 S Ct 984 - 5

US v Bagley (1985) 473 US 667 676

87 L Ed 2d 481 490 105 S Ct 3375 - - - 5

Brady v Maryland (1963) 373 US 83

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Lodgement

Exhibit A

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Exhibit B

Correspondence - - - - - 1 page

Exhibit C

Housing in Jail Documents - - - 39 pages

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AD6237 C3A-132

Po Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC
Ignition switch litigation

Darryl Dunsen
Plaintiff

Case 09-50026 (REG)

v
General Motor et al
Defendants

objection to any
Motion to strike,
stay, Dismissal
or any enforcement
of injunction upon
this plaintiff

Introduction

This plaintiff's Complaint Exhibit A
Directly attacks The Conduct of The New
GM in Solano Superior Court State of

California Case FCS out of State, ~~Bourne v GM~~,
Lobel, Viking et al

This plaintiff contends that the Defendants present conduct has and is voiding their Liability protection when the New GM began to violate state local and constitutional law of California when they failed to Release Disclose or hand over Exculpatory Constitutionally Mandated Discovery and began to destroy, or conceal Documentary evidence petitioner has been forced to seek through his state tort after failure to respond to correspondence request for Documentary Evidence in possession of the Defendants Exhibit B

Once the Defendants New GM began to conduct themselves in this manner depriving petitioner of Constitutionally Mandate Discovery which would prove his actual innocence claims in his writ of Habeas on Conviction in the Southern District of California Case 001193 GPC PCI The New Defendants became Accessories under California law Penal Code 32 To the principle Defendants The old GM as Defined by Penal Code 31 Voiding their otherwise legitimate

liability protection however These acts
To deprive petitioner of evidence in their
possession and knowledge of successor of
old GM Assets in the form of exculpatory
Documentation that support the Malfunction
Plaintiff's vehicle the alleged weapon
as the cause of the accident and not
intent of the plaintiff in the alleged
criminal conduct which plaintiff now
only continues to suffer from because
the acts of the New GM to conceal
destroy evidence in violation of Penal
Code 135 thereby concealing the action
of the principle as defined in Penal Code
31 to prevent prosecution in a court
establishes the New GM Defendant as
Accessories as defined in Penal Code
Section 32 forfixing NEW GM'S
liability protection, Dismissal of this
Plaintiff's action and any motion to
strike or stay this plaintiff's Action
or claims

Nor Can any injunction supercede
Plaintiff's legal right to the evidence

n question which plaintiff seeks which is constitutionally mandated any continued refusal clearly supports plaintiffs claims of fraud including to this court where they allege not to be in concert with the old GM Defendants actions yet continue to attempt to protect the principle cause the old GM Defendant with actions that define and describe the new GM Defendants as accessories in the old GM Defendants conduct according penal code

32

As declared by the new GM Defendants they became successor in '08 of the old GM Defendants assets which happened to be documentary evidence which supports plaintiffs claims of actual innocence in which petitioner seeks to overturn his wrongful conviction

However at this time it is the new GM Defendants choice to refuse the discovery and evidence request in violation penal code 135 that they know is to be used in trial and are concealing and destroying in violation of California and Constitutional law

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Plaintiff also argues Defendants did not provide Notice to individuals housed in County Jail thereby depriving at least this Plaintiff of his Due process to file a claim in a timely manner Exhibit C

Defendants should of made attempts to have jailed inmates notified with posted Memorandums in County Jail's Defendants should allow and compensate this Plaintiff on any late filing as the declared they would provide to the Court Compensation.

Plaintiff contends New GM Defendants Action have barred them from taking any action against this complaint through The Bankruptcy Court

Plaintiff further request a Declaratory order Directing New GM Defendants from Destroying or concealing any more Documentary evidence in this and plaintiff's case in question

I Declare under penalty of perjury
the foregoing is true

1/22/15 DAD

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC

IGNITION SWITCH Litigation

Case 09-50026 (REG)

Daryl Dausmore
Plaintiff

General Motors et al
Defendants

Memorandum of Points and
Authorities in support of objection
To any Motion to strike, stay,
Dismissal or any enforcement of
injunction upon this plaintiff

Argument

Plaintiff's Complaint attacks conduct of
The (New GM Defendants) who according to
state, local and Constitutional law established
Themselves as independent actors Accessories
To The Crimes and Misconduct of The

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Principle actors (old GM Defendants) as Defined
in California Penal Code Statute.

Penal Code 31 Principals Defined
(who are principals All persons concerned in the commission of a crime whether it be felony or misdemeanor and whether they directly commit the act constituting the offense or aid and abet in its commission and all persons counseling, advising)

Penal Code 32 Accessories defined
(Every Person who after a felony has been committed harbors conceals or aids a principal in such felony with the intent that said principal may avoid or escape from arrest trial conviction or punishment having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof is an accessory to such felony)

According to PC 31 The New GM established it self as Accessories after having knowledge of said principals crimes which it attested to in its own filings with this court with in the meaning of PC 32 see any Brief Motion filed by Defendants

when they independently choose to conceal destroy Documentary evidence after plaintiff made request and notice of pending investigation and trial action with in the meaning of

Penal Code 135 Destroy OR CONCEALING
Documentary evidence

(every person who, knowing that any book, paper, record, instrument or writing or other matter or thing is about to be produced in evidence upon any trial, inquiry or investigation what ever authorized by law willfully destroys or conceals the same with intent thereby to prevent it from being produced is guilty)

Plaintiff Made the inquiry through correspondence notified the New GM of pending actions according Penal Code 135 and Defendants New GM made independent action to deprive plaintiff of Constitutionally Mandated Discovery Conceal Destroy said documentary evidence which support Petitioners claim in a writ of habeas concerning the wrongful conviction of one actually innocent Case 008193 GPC PCL Southern District of California

Said Documentary evidence supports the merits of plaintiffs claims that the incident was not intentional on plaintiff's part but occurred because the malfunction of the product sold by the old GM Defendants and their misconduct.

Plaintiff's Cause of Action Directly attacks the present conduct of GM Defendants (The New GM Defendants) which action causes them to become Accessories to the old GM Defendants' conduct (The principals) when the New Defendants (New GM) took the present action to conceal, destroy exculpatory evidence of the (old GM Defendants) conduct which Plaintiff's complaint was filed see Exhibit A Cause of Action (Fraud)

Plaintiff contends that if the New GM Defendants had simply complied with plaintiff's request concerning evidence of exculpatory nature of malfunctioning defective parts New GM's exculpatives protection would be in full force against plaintiff and there would be no cause of action but New GM Defendants did not choose that action but instead to conceal and destroy Constitutionally mandated discovery and attempts to manipulate this court into an accessory as well to its crimes and those of Old GM People v

Lee (1970) 3 CA3d 514 526 83 CR 715

(Counsel for the Defendant New GM must disclose People v Meredith (1981) 29 CA3d 682 696 175 CR 612

As Supported by Exhibit C Plaintiff was

in Jail at the time of Notice to file a Claim with the old CR Defendant Plaintiff. argues Defendants did not provide due Diligence To individuals in Jail Concerning Due process rights as Plaintiff access to TV, Radio, print and all restricted The Magnitude of The Misconduct was massive enough to move for Memorandum posting in institution were such restrictions exist Imbler v Pachtman (1976) 424 US 409 125 47 L Ed 2d 128 141 96 S Ct 984 / US v Bogley (1985) 473 US 667 676 87 L Ed 2d 481 490 105 S Ct 3375 / Brady v Maryland (1983) 373 US 83 87 10 L Ed 2d 215 83 S Ct 1194 see Bural Code 1054(e) (Discovery Required by United States Constitution must occur) Izazaga v Superior Court (1991) 54 Cal 3d 356 378 285 CR 231 Plaintiff argues that Denial of any relief would be a Manifestation of injustice and Manifestly unreasonable

± Declare under Penalty of Perjury The foregoing is true

9/22/16

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5085

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
IN RE

General Motor LLC

16 Nition switch litigation

Darryl Donsmore
Plaintiff

v

General Motors et al
Defendants

Case 09-50026 (REG)

Adjuncts in Support of
objection to any Motions
to strike, stay Dismissal
or any enforcement of
injunction upon this plaintiff

Exhibit A

Complaint FCS045636 - - - - - 3 pages
1 page

Exhibit B

correspondence - - - - -

Exhibit C

Housing Jail Documents - - - - - 39 pages

I Declare these Document to be true and accurate

9/22/15 DAD

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